

Notice of Allowability	Application No.	Applicant(s)	
	10/659,746	DABNEY ET AL.	
	Examiner	Art Unit	
	WILLIAM RANKINS	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/11/2010.
2. ☒ The allowed claim(s) is/are 20,23,24 and 39-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/29/2010</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>9/13/10</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/ William Rankins/
Examiner, Art Unit 3684

DETAILED ACTION

Status of Claims

Claims 20-23-25 and 38-63 are pending. Claims 20, 23-25, 38, 40, 43, 43, 52, 53, 55, 57, 58, 60, 62 and 63 have been amended.

Response to Arguments

1. Applicant's arguments, see pgs. 10-12, filed 05/03/2010, with respect to claims 20, 23-25 and 38-63 have been fully considered and are persuasive. The 103(a) rejection of 02/02/2010 has been withdrawn. In particular, applicants' arguments regarding the applicability of Gupta to the limitation of "allowing a seller to issue a direct offer to sell to the user with the highest bi if the highest bid is less than a reserve price, and allowing the seller to issue offers to sell to any bidders after listing expiration" are persuasive.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Art Unit: 3684

3. Applicant's arguments, see pg. 10, filed 05/03/2010, with respect to claims 20, 23-25 and 38 have been fully considered and are persuasive. The objection of 02/02/2010 has been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Deborah Gladstein on 12/01/2010.

The application has been amended as follows:

20. In an online network-connected computer system of the type that receives requests transmitted over a network from users and responds by providing responsive data over said network for display by said requesting users, a method of performing computer based processes to process online auction-style listings and provide associated responsive data for display, said method comprising:

recording a predetermined listing end time for an auction style listing stored in a computer memory;

receiving, from users over the network, bids with respect to said auction-style listing; and

~~automatically extending said predetermined end time if a bid for said auction-~~
~~style listing~~

~~is received near the predetermined listing end time;~~

~~sending responsive data to users over the network for display, said sent~~
~~responsive data indicating at least that said predetermined end time is extended,~~
~~wherein said automatically extending further extends said already extended end time~~
~~upon receiving an additional bid after said end time has been extended; and~~

~~sending data over the network encouraging at least a seller to issue a direct offer~~
~~to a user with a highest bid before a listing expiration when the highest bid is less than a~~
~~reserve price and the reserve price and the highest bid are close within a threshold~~
~~without revealing the highest bid value to the seller, and~~

~~sending data over the network encouraging the seller to issue direct offers to sell~~
~~to any bidders after said extended end time has passed.~~

~~in response to a determination that the highest bid is less than a reserve price~~
~~and the reserve price and the highest bid are close within a threshold, prompting at~~
~~least a seller to issue a direct offer to a user with a highest bid before a listing~~
~~expiration without revealing the highest bid value to the seller; and~~

~~prompting the seller to issue direct offers to sell to any bidders after a listing~~
~~expiration.~~

23. In an online network-connected computer system of the type that receives requests transmitted over a network from users and responds by providing data over

Art Unit: 3684

said network for display by said requesting users, a method of performing computer based processes to provide data over the network relating to online auction-style listings, the method comprising:

maintaining a database of items available for auction-style listing;

receiving requests allowing sellers to specify whether items are to be listed in said database as conditional or binding transactions;

in response to user requests received over the network, generating and sending data over the network representing displays of (a) the conditional or binding characteristic of an item listing, and (b) at least some other information relating to the item; and

~~receiving further requests representing offers to purchase the item over the network that lead to change in state of the ownership of the item; and~~

~~sending data over the network encouraging a seller to issue a direct offer to sell to the user with the highest bid before a listing expiration when the highest bid is less than a reserve price, and~~

~~sending data over the network encouraging the seller to issue offers to sell to any bidders after a listing expiration.~~

receiving, from users over the network, bids with respect to said auction-style listing; and

in response to a determination that the highest bid is less than a reserve price and the reserve price and the highest bid are close within a threshold, prompting at

Art Unit: 3684

least a seller to issue a direct offer to a user with a highest bid before a listing

expiration without revealing the highest bid value to the seller; and

prompting the seller to issue direct offers to sell to any bidders after a listing
expiration.

24. (Currently amended) In an online network-connected computer system of the type that receives requests transmitted over a network from users and responds by providing at least data over said network for display by said requesting users, a method of providing online listings comprising:

maintaining at least one database of items listed for sale;

sending, over the network, data representing a user interface display of at least some of said items in a classified advertising listing format;

sending, over the network, data representing a user interface display of at least others of said items in an auction-style listing format;

~~encouraging~~ prompting sellers, through automatic interaction with the computer system, to select item listings and flexibly change selected item listings between said classified advertising and said auction-style listing formats; and

receiving, from users over the network, bids with respect to said auction-style
listing; and

sending data over the network encouraging a seller to issue a direct offer to sell to the user with the highest bid before a listing expiration when the highest bid is less

Art Unit: 3684

than a reserve price and the reserve price and the highest bid are close within a threshold without revealing the highest bid value to the seller.

25, 38 and 54-63. Canceled

Allowable Subject Matter

Claims 20, 23, 24 and 39-53 are allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is an examiner's statement of reasons for allowance: Upon review of the claimed subject matter and the prior art the examiner finds that the claimed invention differs from the prior art by supporting the negotiation of a sale prior to the end of an auction as described in the independent claims represented by claim 20 below:

20. In an online network-connected computer system of the type that receives requests transmitted over a network from users and responds by providing responsive data over said network for display by said requesting users, a method of performing computer based processes to process online auction-style listings and provide associated responsive data for display, said method comprising:

recording a predetermined listing end time for an auction style listing stored in a computer memory;

Art Unit: 3684

receiving, from users over the network, bids with respect to said auction-style listing; and

in response to a determination that the highest bid is less than a reserve price and the reserve price and the highest bid are close within a threshold, prompting at least a seller to issue a direct offer to a user with a highest bid before a listing expiration without revealing the highest bid value to the seller; and

prompting the seller to issue direct offers to sell to any bidders after a listing expiration.

The closest prior art of record is:

Gujral (2002/0042769) which discloses conducting electronic auctions with multi-parameter bidding wherein the auction may close if the buyer (seller's representative) is ready to accept a bidder's set of bids. The buyer (seller's representative) may decide to accept a specific bidder's bid proposal prior to the official auction closing time and notify other bidder's that the auction has closed (Para. 0082). Gujral does not provide details regarding how this process is done and also does not disclose, "in response to a determination that the highest bid is less than a reserve price and the reserve price and the highest bid are close within a threshold, prompting at least a seller to issue a direct offer to a user with a highest bid before a listing expiration without revealing the highest bid value to the seller".

Maroney (2002/0103740) discloses an auction for domain names wherein the transaction proceeds into a private negotiation stage if the reserve is not met (Abstract).

Art Unit: 3684

However, Maroney does not disclose "in response to a determination that the highest bid is less than a reserve price and the reserve price and the highest bid are close within a threshold, prompting at least a seller to issue a direct offer to a user with a highest bid before a listing expiration without revealing the highest bid value to the seller".

Nishi (2002/01616921) discloses a real-time internet auction system wherein a seller can sell even though a bid is less than the reserve price (Para. 0155), however, Nishi does not disclose "in response to a determination that the highest bid is less than a reserve price and the reserve price and the highest bid are close within a threshold, prompting at least a seller to issue a direct offer to a user with a highest bid before a listing expiration without revealing the highest bid value to the seller".

Vitti (2003/0216959) discloses rewarding participation in an auction wherein if the current high bid is less than the reserve price the auction central server communicates with the seller by email and asks if the seller would like to sell the item at the price specified in the high bid. The seller can subsequently lower the reserve price to meet the high bid (Para. 0053-0055) however, Vitti does not disclose "in response to a determination that the highest bid is less than a reserve price and the reserve price and the highest bid are close within a threshold, prompting at least a seller to issue a direct offer to a user with a highest bid before a listing expiration without revealing the highest bid value to the seller".

Therefore the examiner asserts that the prior art does not disclose, either alone or in combination, the limitations of the independent claims above. additionally, the

Art Unit: 3684

examiner asserts that it would not be obvious to one of ordinary skill in the art to attach a threshold to a reserve price in an auction setting as the reserve price typically acts as the threshold or lower limit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Rankins whose telephone number is 571-270-3465. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Dixon/

Primary Examiner, Art Unit 3684

/William E Rankins/

Examiner, Art Unit 3684

12/01/2010